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AUG 25 2006

OFFICE OF PETITIONS

In re Patent No. 7,012,165	:	
Dolbier, et al.	:	
Issue Date: March 14, 2006	:	LETTER REGARDING PTA
Application No. 10/698,110	:	
Filed: October 31, 2003	:	
Attorney Docket No. UF-380	:	

This letter is in response to the "Communication" filed March 17, 2006. Patentees request that the initial determination of patent term adjustment under 35 U.S.C. § 154(b) be reviewed for accuracy.

The request for correction of the initial determination of patent term adjustment (PTA) is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred twenty (120) days.

On March 17, 2006, patentees submitted the instant comment. On March 14, 2006, the above-identified application matured into U.S. Patent no. 7,012,165, with a revised patent term adjustment of 229 days. Patentees state that the basis for the request for review of the patent term adjustment is that patentees are only entitled to 120 days of patent term adjustment.

A review of the application history confirms that an incorrect number of days were determined for USPTO delay. The Notice of Allowance and Issue Fee Due and Notice of Allowability were mailed on June 24, 2005. Further review of the record indicates that the PALM and PAIR records for this application indicates that a second Notice of Allowance was mailed on November 30, 2005, for which the PTO adjusted the patent term an additional 109 days. The application file does not reflect that another Notice of Allowance was mailed on November 30, 2005. It is concluded that the entry in PALM and PAIR of a Notice of Allowance, mailed

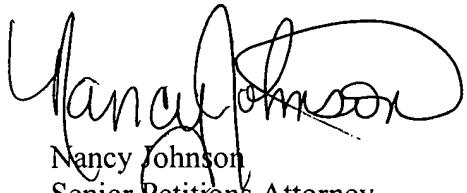
November 30, 2005, is incorrect. Accordingly, there was no basis for entry of a period of adjustment of 109 days for Office delay.

In view thereof, the patent should have issued with a revised Patent Term Adjustment of one hundred and twenty (120) days.

As this letter was submitted as an advisement to the Office of an error in the calculation of the Patent Term Adjustment, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentee for their good faith and candor in bringing this to the attention of the Office.

This application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred twenty (120) days**.

Telephone inquiries regarding this specific matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,012,165 B2
DATED : March 14, 2006
INVENTOR(S) : Dolbier, Jr. et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (229) days

Delete the phrase "by 229 days" and insert -- by 120 days--